

JAN 16 2007

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COMPANY:	DATE:
USPTO	JANUARY 16, 2007
FACSIMILE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571.273.8300	18
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	211139.90107 (044.0021)
RE:	RECIPIENT'S REFERENCE NUMBER:
Appeal Brief - Patents	09/921,677

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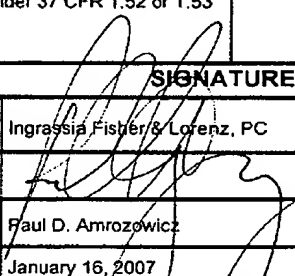
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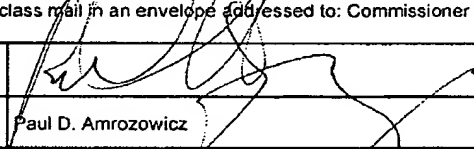
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/921,677
	Filing Date	August 3, 2001
	First Named Inventor	Lee P. Noehring
	Art Unit	2163
	Examiner Name	H. B. Thai
	Attorney Docket Number	211139.90107 (044.0021)
Total Number of Pages in This Submission	17	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Lee P. Noehring Group Art Unit: 2163
Serial No.: 09/921,677 Examiner: H. B. Thai
Filed: August 3, 2001 Confirmation No.: 8166

For: APPARATUS AND METHOD FOR RESOLVING SECURITY ASSOCIATION
DATABASE UPDATE COHERENCY IN HIGH-SPEED SYSTEMS HAVING
MULTIPLE SECURITY CHANNELS

Attorney Docket No.: 211139.90107 (044.0021)

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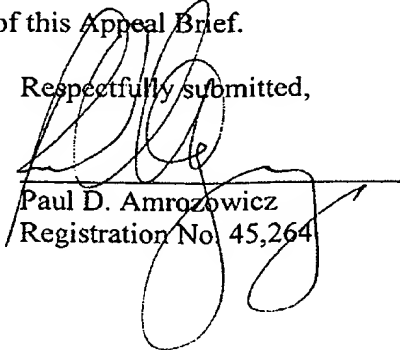
Appellant hereby submits its Appeal Brief in response to the final rejection of the
subject patent application.

The Commissioner is hereby authorized to charge Ingrassia, Fisher & Lorenz,
Deposit Account No. 50-2091, \$500 for the filing of this Appeal Brief.

Dated January 16, 2007

Ingrassia, Fisher & Lorenz
Customer No. 29,906

Respectfully submitted,


Paul D. Amrozowicz
Registration No. 45,264

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

5

In re application of: Lee P. Noehring

Group Art Unit: 2163

Serial No.: 09/921,677

Examiner: H.B. Thai

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10

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Customer No.: 29,906

Attorney Docket No.: 211139.90107 (044.0021)

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APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

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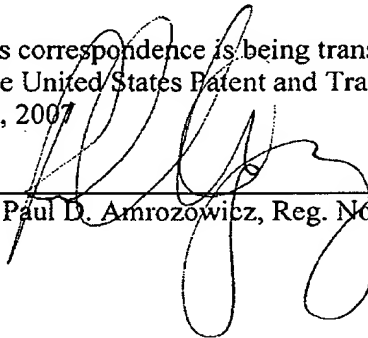

Paul D. Amrozowicz, Reg. No. 45,264

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I. Introduction

This is an Appeal Brief under 37 C.F.R. § 41.37 appealing the rejections set forth in the Office action dated May 19, 2006. Each of the topics required by 37 C.F.R. § 41.37 is presented in this Brief and is labeled appropriately.

5

II. Real Party in Interest

Corrent Corporation ("Corrent") is the real party in interest of the present application. An assignment of all rights in the present application to Corrent was executed by the inventors and recorded by the U.S. Patent and Trademark Office at Reel 012061, Frame 0464.

10

III. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which Appellant is aware.

15

IV. Status of Claims

Claims 10-18 and 35, which are presented in the Claims Appendix, stand finally rejected. Accordingly, the Appellant hereby appeals the final rejection of Claims 10-18 and 35.

20

V. Status of Amendments

25

Following a final Office action, dated January 4, 2006, Appellant filed a response on March 27, 2006, requesting reconsideration of the rejection of Claims 10-18 and 35. In response to this request, an Advisory Action was issued on April 7, 2006, reiterating the previous ground of rejection. Appellant then filed a Request for Continued Examination (RCE) on April 28, 2006. The Examiner issued a non-final Office action on

30

May 19, 2006, reiterating the previous rejections. Appellant then filed a Notice of Appeal on November 17, 2006.

5

VI. Summary of Claimed Subject Matter

The embodiment encompassed by independent Claim 10 relates to a method of modifying an entry in a security association database (116, 118, 702) in a system having multiple security channels (802) (FIGS. 1, 7, 8). The method associated with each
10 channel includes requesting access to a predetermined address location in the security association database, and assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels (pg. 13, l. 20 to pg. 14, l. 16; pg. 16, ll. 5-9; FIGS. 8 & 9). The security association data structure is retrieved from the predetermined
15 address location when, based on the weight value assigned to the request, the channel has a higher priority request relative to the other security channel requests (pg. 14, ll. 17-25; pg. 16, ll. 9-12; FIGS. 8 & 9). The retrieved security association data structure is modified, and the modified security association data structure is written to the predetermined address location in the security association database (pg. 15, ll. 4-12; pg.
20 16, ll. 12-20; FIGS. 8 & 9).

The embodiment encompassed by independent Claim 18 also relates to a method of modifying an entry in a security association database (116, 118, 702) in a system having multiple security channels (802) (FIGS. 1, 7, 8). The method associated with each
25 association database, and assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels (pg. 13, l. 20 to pg. 14, l. 16; pg. 16, ll. 5-9; FIGS. 8 & 9). The security association data structure is retrieved from the predetermined address location when, based on the weight value assigned to the request, the channel has
30 a higher priority request relative to the other security channel requests (pg. 14, ll. 17-25;

pg. 16, ll. 9-12; FIGS. 8 & 9). The retrieved security association data structure is modified, a determination is made as to whether a write buffer is busy, and the modified security association data structure is written to the write buffer when it is not busy (pg. 15, ll. 4-12; pg. 16, ll. 12-20; FIGS. 8 & 9). The modified security association data
5 structure is written to the predetermined address location in the security association database from the write buffer (pg. 15, ll. 4-12; pg. 16, ll. 12-20; FIGS. 8 & 9).

The embodiment encompassed by independent Claim 35 relates to a computer-readable medium containing computer executable code for instructing one or more security channels in a computer system having multiple security channels to modify an
10 entry in a security association database. The instructions include requesting access to a predetermined address location in the security association database, and assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels (pg. 13, l. 20 to pg. 14, l. 16; pg. 16, ll. 5-9; FIGS. 8 & 9). The security association data
15 structure is retrieved from the predetermined address location when, based on the weight value assigned to the request, no other security channel has a higher priority to do so (pg. 14, ll. 17-25; pg. 16, ll. 9-12; FIGS. 8 & 9). The retrieved security association data structure is modified, and the modified security association data structure is written to the predetermined address location in the security association database (pg. 15, ll. 4-12; pg.
20 16, ll. 12-20; FIGS. 8 & 9).

VII. Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed in this appeal are as follows:

25

1. Claims 10-14, 16, 17, and 35 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Publication Nos. 2003/0126233 (Bryers et al.) and 2002/0002618 (Vange).

2. Claims 15 and 18 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over (Bryers et al.) (Vange), and U.S. Patent No. 5,948,080 (Baker).

5

VIII. Arguments

I. CLAIMS 10-14, 16, 17 AND 35 ARE NOT UNPATENTABLE UNDER 35 U.S.C. § 103 OVER BRYERS ET AL. AND VANGE.

10 In the final Office Action dated May 19, 2006, Claims 10-14, 16, 17, and 35 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Bryers et al. and Vange. As will be explained in more detail herein below, this rejection is not tenable at least because elements recited in independent Claims 10 and 35 are not found in either of the cited references.

15

A. Bryers et al.

Bryers et al. relates to a system and method for controlling a content services aggregator and discloses, at various portions of the disclosure, the known method of retrieving an SA data structure, modifying the SA data structure, and writing the modified SA data structure to the SAD. Indeed, Bryers et al. discloses what Applicants disclose in the background portion of the instant application. Although the Office action alleges that Bryers et al., in paragraphs [0178] – [0183], discloses assigning a weight value to a request based on a sequential order of the request relative to access requests to the same SAD address location made by other channels, this is simply not the case.

20 Rather, what Bryers et al. discloses in these paragraphs is how their invention determines a set of distributed target bandwidths for a plurality of traffic classes, to thereby allow the content aggregator to provide bandwidth guarantees for the system as a whole. Traffic classes are predefined, and when packets arrive each is classified to determine in which traffic class it belongs.

30

B. Vange

Vange relates to a method for serving web pages from multiple cooperating web servers, in a coordinated fashion. The Office action alleges that Vange, in paragraphs [0037]-[0039], teaches prioritizing data traffic over a shared connection, including
5 assigning a priority value to the request. However, what Vange teaches is a method of assigning priority to clients, such that a client with a higher assigned priority will always get access over one with a lower priority.

C. Analysis

10 The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Indeed, the Examiner has the burden of setting forth a detailed evidentiary basis for the teaching, suggestion or motivation to combine the cited references. As the Court of Appeals for the Federal Circuit has repeatedly stated, the factual inquiry of whether to combine references must
15 be thorough and searching, and must be based upon the objective evidence of record. In re Sang Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, a claim cannot be found *prima facie* obvious unless all the elements of the claim are taught or suggested in the cited art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); In re Wilson, 424 F.2d 1382, 1385 (C.C.P.A. 1970) ("All words in a claim must be considered
20 in judging the patentability of that claim against the prior art."). Just because a prior art reference *can* be modified does not render the proposed modification obvious unless the prior art suggests the desirability of making the proposed modification. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Appellants submit that the Examiner has not met his burden, since the references do not teach or suggest all of the claim elements.

25 Independent Claims 10, 18, and 35 each relate to methods, or a computer-readable medium containing code that causes a computer to implement a method, of modifying an entry in a security association database in a system having a plurality of channels. The claimed methods each include retrieving a security association data structure from a predetermined address location, modifying the retrieved security association data
30 structure, and writing the modified security association data structure to the

predetermined address location in the security association database, and each of the independent claims recites, *inter alia*, requesting access to a predetermined address location in the security association database, assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels. Moreover, each of the independent claims makes clear that the security association data structure is retrieved from the predetermined address location when, based on the weight value assigned to the request, the requesting channel has the highest priority.

From the above description of Bryers et al., it is clear that this reference teaches a method of assignment of bandwidth to individual packet flows. This disclosed methodology has nothing to do with the relative sequential order of a request. Moreover, what Vange teaches is a method of assigning priority to clients, such that a client with a higher assigned priority will always get access over one with a lower priority. The disclosed method does not vary access to all clients. The priority is that is assigned to a client is not based on a sequential order of a request relative to that of other clients/channels.

It is thus clear that Bryers et al. and Vange fail to disclose, or even remotely suggest, both individually and in combination, at least the above-noted feature of independent Claims 10, 18, and 35. Namely, these references fail to disclose or suggest at least assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels.

In view of the foregoing, Appellant submits that independent Claims 10 and 35 are not obvious over Bryers et al. and Vange. Moreover, because independent Claim 10 is nonobvious, then dependent Claims 11-14, 16, and 17 are also nonobvious. In re Fine, *supra*.

30

II. CLAIMS 15 AND 18 ARE NOT UNPATENTABLE UNDER 35 U.S.C.
§ 103 OVER BRYERS ET AL., VANGE, AND BAKER.

5 In the Office action dated May 19, 2006, Claims 15 and 18 were rejected under 35
U.S.C. § 103 as allegedly being unpatentable over Bryers et al., Vange, and Baker. As
will be explained in more detail herein below, this rejection is not tenable at least because
elements recited in independent Claims 10 and 18 are not found in either of the cited
references.

10

A. Bryers et al.

Bryers et al. was described above, and will therefore not be described further.

B. Vange

15 Vange was described above, and will therefore not be described further.

C. Baker

Baker relates to a method for assigning a channel number to received data packets
according to a predetermined priority.

20

D. Analysis

Similar to independent Claims 10 and 35, independent Claim 18 recites that the
security association data structure is retrieved from the predetermined address location
when, based on the weight value assigned to the request, the requesting channel has the
25 highest priority.

Baker was cited as allegedly teaching the step of determining whether a write
buffer is busy. However, Appellant submits that this reference fails to make up for at
least the above noted deficiencies of Bryers et al. and Vange with respect to independent
Claims 10 and 35, which is also recited in dependent Claim 15 and independent Claim
30 18.

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In view of the foregoing, Appellant submits that dependent Claim 15 and independent Claim 18 are not obvious over Bryers et al., Vange, and Baker et al.

5

IX. CONCLUSION OF ARGUMENTS

In view of the foregoing, Appellant submits that the rejection of Claims 10-18 and 35 is improper and should not be sustained. Therefore, a reversal of the rejections in the Office action dated May 19, 2006, is respectfully requested.

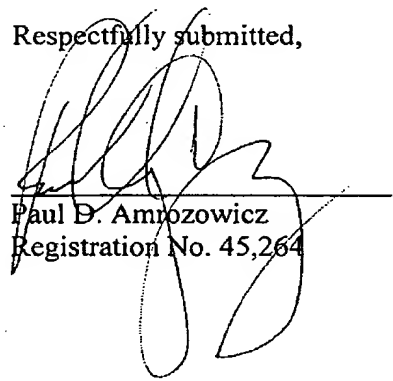
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Respectfully submitted,

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Dated January 16, 2007

Ingrassia, Fisher & Lorenz
Customer No. 29,906


Paul D. Amrozowicz
Registration No. 45,264

X. CLAIMS APPENDIXClaims on Appeal

10. In a system having multiple security channels, a method of modifying an
5 entry in a security association database, the method associated with each channel
comprising:
- requesting access to a predetermined address location in the security association
database;
 - 10 assigning a weight value to the request based on a sequential order of the request
relative to access requests to the predetermined address location made by other of the
security channels;
 - retrieving the security association data structure from the predetermined address
location when, based on the weight value assigned to the request, the channel has a
higher priority request relative to the other security channel requests;
 - 15 modifying the retrieved security association data structure; and
 - writing the modified security association data structure to the predetermined
address location in the security association database.
11. The method of Claim 10, wherein the step of requesting access comprises
20 setting a request bit in a control register.
12. The method of Claim 10, wherein the security association data structure is
retrieved in response to setting a grant bit in the control register.
13. The method of Claim 10, wherein the step of writing the modified security
25 association data structure to the predetermined address location comprises:
- writing the modified security association data structure of to a write buffer prior
to writing it to the predetermined address location; and
 - writing the modified security association data structure to the predetermined
30 address from the write the buffer.

14. The method of Claim 13, wherein the step of requesting access comprises setting a request bit in a control register, and wherein the method further comprises:
resetting the request bit prior to writing the modified security association data
5 structure to the predetermined address location from the write buffer.

15. The method of Claim 13, further comprising:
determining whether the write buffer is busy prior to writing the modified security
association data structure thereto.

10

16. The method of Claim 10, further comprising:
storing the retrieved security association data structure in a local memory; and
modifying the retrieved security association data structure .

17. The method of Claim 10, further comprising:
storing the predetermined address location of the retrieved security association
data structure in a register.

18. In a system having multiple security channels, a method of modifying an
20 entry in a security association database, the method associated with each channel
comprising:

requesting access to a predetermined address location in the security association
database;

25 assigning a weight value to the request based on a sequential order of the request
relative to access requests to the predetermined address location made by other of the
security channels;

retrieving the security association data structure from the predetermined address
location when, based on the weight value assigned to the request, the channel has a
higher priority request relative to the other security channel requests;

30 modifying the retrieved security association data structure;

- determining whether a write buffer is busy;
- writing the modified security association data structure to the write buffer when it is not busy; and
- writing the modified security association data structure to the predetermined
- 5 address location in the security association database from the write buffer.

35. A computer-readable medium containing computer executable code for instructing one or more security channels in a computer system having multiple security channels to modify an entry in a security association database, the instructions
- 10 comprising:
- requesting access to a predetermined address location in the security association database;
 - assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the
 - 15 security channels;
 - retrieving the security association data structure from the predetermined address location when, based on the weight value assigned to the request, no other security channel has a higher priority to do so;
 - modifying the retrieved security association data structure; and
 - 20 writing the modified security association data structure to the predetermined address location in the security association database.

XI. EVIDENCE APPENDIX

No evidence pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 has been entered by the Examiner or relied upon by Appellant in the instant appeal beyond that which is already contained in the as-filed application, as is delineated in the Arguments section of
5 this Brief.

XII. RELATED PROCEEDINGS APPENDIX

As there are no related appeals and interferences, there are also no decisions rendered by a court or the Board of Patent Appeals and Interferences that are related to the instant appeal.